

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ESTATE OF WENDY ARIANA SPENCE, by  
and through BRIAN L. SPENCE AND  
MARITZA MOLEIRO-SPENCE, Parents and  
Co-Administrators of the Estate of WENDY  
SPENCE,

*Plaintiff,*

v.

YEADON BOROUGH, et al.,

*Defendants.*

CIVIL ACTION

NO. 24-1530

PAPPERT, J.

September 9, 2024

**ORDER**

AND NOW, this 9th day of September, 2024, upon consideration of the Estate of Wendy Ariana Spence's Amended Complaint (ECF No. 15), Trinity Health Mid-Atlantic Medical Group and Lyle Kunkle's Motion to Dismiss (ECF No. 17), and the Estate's Response (ECF No. 18), it is hereby **ORDERED** that the Motion is **DENIED** in part and **GRANTED** in part:

1. The motion is **DENIED** as to Count I and **GRANTED** as to Count III. The Estate's claims for violation of the Pennsylvania Emergency Medical Services System Act against Trinity Health and Kyle Kunkle are **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/ Gerald J. Pappert  
Gerald J. Pappert, J.